

### **REMARKS**

The specification has been amended at pages 18 and 22 to remove certain informalities. No new matter is added by virtue of the within amendments; support therefor can be found throughout the application.

#### **Objection to the Specification**

The disclosure is objected to at pages 18 and 22. Each instance of an informality which was noted by the Examiner has been corrected. Withdrawal of the objection is therefore requested.

The following rejections are discussed in combination for the sake of brevity.

#### **Claim Rejections under 35 USC §102(e)**

Claims 1-42 stand rejected under 35 USC §102(e) over Osenar et al. (US 7,306,862). At the outset, it is noted that the applied reference is believed to have been mis-identified. In particular, US 7,306,862 corresponds to a patent issued to Kramer et al. entitled "Removable Storage Method for Hydrogen and Hydrogen Reservoir". It is believed that the Examiner intended to refer to US 7,306,864 to Osenar et al., which also corresponds to Reference AA - US 2003/0096153A1 – cited on the Information Disclosure Statement filed by the undersigned Attorney on July 6, 2007. Accordingly, all references herein refer to Osenar '864, as that appears to be proper and consistent with the Examiner's intention.

Claims 1-42 stand further rejected under 35 USC §102(e) over Osenar et al. (WO 03/092096).

The Office Action expressly acknowledges that both of the applied Osenar references have a common inventor with the present application and that there is an opportunity to overcome each of the rejections by a showing that that the applied reference is not an invention "by another" (Office Action at pages 2-3 and 10, respectively).

Accordingly, without acquiescing to the grounds for the rejection, but rather to expedite allowance of the application, Applicant confirms that the present application and the applied references have three common inventors. Additionally, Applicant confirms that the subject matters of Osenar '864, Osenar '096 and the claimed invention were, at the time the claimed invention was made, owned by the same entity (Protonex Technology Corporation) or subject to an obligation of assignment to that entity. Thus, Osenar '864 and Osenar '096 are not inventions "by another". A Declaration under Rule 1.132 by inventor Paul Osenar is attached to support this assertion and obviate each of the rejections. (Dr. Osenar also is an Officer of the Applicant.)

It is therefore respectfully requested that the rejections be withdrawn.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

#### **FEE AUTHORIZATION**

The Director is hereby authorized to charge the surcharge amount and any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 58399(47171).

Dated: August 4, 2008

Respectfully submitted,

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